

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION**

Case No. 4:14-CV-187-F

SCOTTSDALE INSURANCE COMPANY,

Plaintiff,

v.

B&G FITNESS CENTER, INC. and
THOMAS G. OWENS

Defendants.

**REPLY TO DEFENDANT B&G
FITNESS CENTER, INC.'S
RESPONSE IN OPPOSITION
TO SCOTTSDALE
INSURANCE COMPANY'S
MOTION FOR SUMMARY
JUDGMENT**

COMES NOW, Plaintiff Scottsdale Insurance Company ("Scottsdale"), by and through counsel, and, in accordance with Local Civil Rule 7.1, submits this Reply to Defendant B&G Fitness Center, Inc.'s ("B&G") Response in Opposition to Scottsdale's Motion for Summary Judgment.

B&G filed a combined Memorandum in Opposition to Scottsdale's Motion for Summary Judgment and in Support of B&G's Motion for Summary Judgment on October 26, 2015. [D.E. 35.] B&G's opposition is untimely and not properly before the Court. Specifically, given that Scottsdale filed and served its Motion for Summary Judgment and supporting memorandum on October 1, 2015, B&G's opposition was untimely pursuant to Local Civil Rule 7.1(e), which mandates that "[r]esponses and accompanying documents shall be filed within twenty-one (21) days after service of the motion in question unless otherwise ordered by the court or prescribed by the applicable Federal Rules of Civil Procedure."

B&G has not provided any legitimate justification for its untimely filing, citing only efforts to "promote the efficient use of judicial resources." Nevertheless, Scottsdale will provide

its substantive rebuttal to B&G's Opposition to Scottsdale's Motion for Summary Judgment in conjunction with its Response to B&G's Motion for Summary Judgment, which will be submitted pursuant to the deadlines prescribed by Local Civil Rule 7.1(e).

Respectfully submitted this 9th day of November 2015.

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CERTIFICATE OF SERVICE

The undersigned certifies that the document to which this Certificate is affixed was served upon the parties to this action by means of the Electronic Filing System of the United States District Court for the Eastern District of North Carolina on November 9, 2015, which will serve copies of the foregoing on the following registered users:

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